

**Probate Committee
Judicial Conference of Indiana**

November 16, 2007

Minutes

1. Members present. The following members of the Committee were present: Larry Bradley, Robert Freese, Susan Orr Henderson, Phillip Houk, R. Perry Shipman, and Kevin Barton, Chair.
2. Staff present. Michelle C. Goodman provided the Committee with staff assistance.
3. Approval of minutes. The Committee approved the minutes from the September 2007 meeting.
4. Maximum Fee Guidelines. The Committee reviewed the summary of local probate fees and discussed the purpose of the fee guidelines. The Committee members felt that local rules in individual counties already covered this topic and these guidelines might be seen as binding on the courts. The Committee further discussed the case law on fee petitions setting forth the standards and process for supporting fee requests and does not seem to align with or support guidelines. The Committee determined that published guidelines were no longer necessary and that the 1994 guidelines no longer be distributed. The Committee decided it would incorporate the draft prepared by Mag. Bradley into the Deskbook along with information to the local rules posted on-line and a sample fee petition and form. The Committee requested staff to format the documents for review at the next meeting.
5. Probate Code Study Commission. The Committee reviewed the materials from the Probate Code Study Commission. The Committee also discussed the issue of guardian oversight, which was the subject of a presentation before the Commission.
6. State Bar Section. Judge Barton provided the Committee with the minutes from the October section meeting for review and consideration. The Committee discussed briefly matters relating to trusts.
7. Innovations in Probate. Judge Barton provided the Committee with a draft document outlining the concerns with the baby boomer population in the probate area. The Committee was asked to review Judge Barton's materials and provide him with and comments and feedback by November 30th. Judge Barton will send out a revised document around January 15th and final comments will be received by February 15th.
8. 2008 Meeting Schedule. The 2008 meeting schedule for the Probate Committee is: March 14, June 20, and October 24, 2008. All meetings will be held at the Indiana Judicial Center at 1:30 p.m.

Respectfully submitted,

Michelle C. Goodman
Staff Attorney

